

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MARIO A. RODRIGUEZ,	:	
Petitioner,	:	
v.	:	Case No. 3:11-cv-282
WARDEN, SOUTHERN OHIO	:	JUDGE WALTER H. RICE
CORRECTIONAL FACILITY,	:	
Respondent.	:	

DECISION AND ENTRY ADOPTING THE UNITED STATES
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION (DOC.
#10) IN ITS ENTIRETY; OVERRULING PETITIONER'S OBJECTIONS
THERETO (DOC. #11); DISMISSING WITH PREJUDICE PETITION FOR
WRIT OF HABEAS CORPUS (DOC. #2); DENYING CERTIFICATE OF
APPEALABILITY AND ANTICIPATED MOTION FOR LEAVE TO
APPEAL *IN FORMA PAUPERIS*; TERMINATION ENTRY

Based on the reasoning and citations of authority set forth by United States Magistrate Judge Michael J. Newman, in his January 13, 2013, Report and Recommendation (Doc. #10), as well as upon a thorough *de novo* review of this Court's file and the applicable law, this Court ADOPTS said judicial filing in its entirety, and OVERRULES Petitioner's objections thereto (Doc. #11). The Petition for a Writ of Habeas Corpus (Doc. #2) is DISMISSED WITH PREJUDICE.

Given that Petitioner has not made a substantial showing of the denial of a constitutional right and, further, that the Court's decision herein would not be debatable among reasonable jurists, and because any appeal from this Court's

decision would be objectively frivolous, Petitioner is denied a certificate of appealability and denied leave to appeal *in forma pauperis*.

Judgment will be entered in favor of Respondent and against Petitioner.

The captioned case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: March 14, 2013



WALTER H. RICE
UNITED STATES DISTRICT JUDGE